# ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, June 5, 2013 with roll call of members as follows:

#### **Robert Rowland-PRESENT**

**Kurt Schlegel- PRESENT** 

**Larry Ross-PRESENT** 

The BOCC convened at 9:06 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor

Pledge of Allegiance

The Board of County Commissioner's meetings are streamed live via the Internet and are recorded for later use

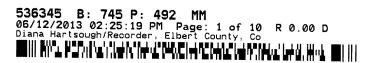
# 1. Agenda:

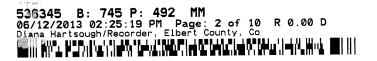
- a. Commissioner Schlegel requested to remove item M from New Business.
- **b.** Commissioner Schlegel requested to add an Executive Session after the regular agenda items to discuss with the Attorney a pending legal issue, and then add a recess after the Executive Session before reconvening the BOCC Meeting at 11:00 a.m., to hear the Castelli and Land Baron LLC tax abatement petitions.

Commissioner Ross moved that the BOCC adopt the Agenda as amended. Commissioner Schlegel seconded, motion passed.

- 2. Correspondence: NONE
- 3. Consent Agenda: All matters listed on the Consent Agenda are considered routine by the Board and will be enacted by one (1) motion in the form below. There will be no separate discussion of these items. If discussion is desired on any item(s) and permitted by the Board, those items will be considered separately.
  - a. Approval of minutes from: April 24, 2013.

Commissioner Ross moved that the BOCC adopt the Consent Agenda as drafted. Commissioner Schlegel seconded, motion passed.





# 4. Awards/Recognition: NONE

- **5. Elected Official/Department Heads/Staff Report:** The Elected Officials and Department Heads comments is a time when any elected official or department head may bring forth items of interest or concern.
  - a. Ed Ehmann, Director Public Works. The first layer of asphalt is down on the first section of the County Rd 194 paving project and they are now starting the 2<sup>nd</sup> phase of 4 phases.
    Commissioner Schlegel stated concerns had been raised by Rattlesnake Fire District about adverse conditions on CR 194 unimproved sections during wet weather. Mr. Ehmann stated it has been discussed with the contractor and are prepared for any road closures they need to make.
    Commissioner Ross asked for a reasonable estimated time of completion. Mr. Ehmann said it was scheduled to be completed by Aug. 31, 2013 but due to weather and other problems, they are running about 30 days behind schedule, so the end of Sept. is his estimate for completion.
  - **b.** Ed Ehmann, Director Public Works. A meeting is scheduled today with the Department of Public Health, the Contractors and Environmental Engineers regarding the landfill. Elbert County has been approved to install an alternate cap which will be a substantial cost savings to Elbert County.
  - C. Commissioner Rowland recognized the new Director of Planning and Development, Ms. Kyle Fenner and welcomed her to Elbert County. He then commented there have been a lot of questions about assessments on properties. He assured everyone that they too are anxious about the market and are keeping an eye on the situation and will keep the public informed on what they find out.

Commissioner Ross encouraged public participation in the Elizabeth Stampede June 7, 8 & 9 2013 at the Elbert County Fairgrounds.

#### 6. Old Business: NONE

#### 7. New Business:

**a.** Rick Pettitt, Elbert County Treasurer requested the BOCC approve 2 lease agreement amendments to the new copiers in the Treasurer's Office and the

Clerk's Office, to include envelope feed trays which will increase efficiency and productivity.

Commissioner Ross moved that the BOCC approve and execute the proposed Lease Agreement Amendments between Elbert County and Xerox, regarding the inclusion of an envelope feed tray on two (2) Xerox printers for a total cost of \$3.31 per printer, per month. Commissioner Schlegel seconded, motion passed.

**b.** Ed Ehmann, Director Public Works. Mr. Ehmann requested that the BOCC approve a request to go out to bid for 600 ft. of 6 ft. chain link fence at the Fairgrounds to help control and monitor spectators and their access. Funds for this project will come from the Conservation Trust Fund. Commissioner Ross asked if the plan is flexible for possible repositioning of the gates. Mr. Ehmann said yes. Commissioner Rowland asked if the cost includes installation and materials. Mr. Ehmann said yes. Commissioner Schlegel remarked that in the past temporary fencing was used for this; then asked if this new fencing will be permanent. Mr. Ehmann said yes, that this is part of the Master Plan for the Fairgrounds.

Commissioner Ross moved that the BOCC approve the request to bid 680 ft. of 6 ft. Chain Link Fence to Control Event Access to the Fairgrounds Bleachers. Commissioner Schlegel seconded, motion passed.

**C.** Dr. Liz Hickman, Executive Director of Centennial Mental Health Center. Dr. Hickman gave a very informative update on Mental Health and Substance Abuse Services proved to Elbert County by Centennial Mental Health Center. She stated that this service has been provided to Elbert County for over 30 years now.

Commissioner Rowland asked what the intake process was if anyone needed this help. Dr. Hickman advised the number to call is **303-646-4519**; during normal business hours, it will be handled locally; after hours the Crisis Stabilization Center in Greeley will handle it.

Commissioners Schlegel and Ross thanked the Dr. and Staff for all their help.

**d.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve a Substance Abuse Treatment Service Agreement to provide services to child welfare-eligible families, children and adolescents. Ms. Spear did comment that these are State Mandated services and are paid for from core Family Preservation Services and Signal Additional Family Service (AFS).

Commissioner Ross moved that the BOCC approve and execute the Substance Abuse Treatment Service Agreement between Elbert County, on behalf of the Elbert County Department of Human Services, and the Signal Behavioral Health Network regarding the provision of drug treatment services to child welfare-eligible families, children and adolescents in Elbert County through June 30, 2013 for a contract price up to \$32,334 from Core and AFS Funding. Commissioner Schlegel seconded, motion passed.

**e.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve an amendment to the Independent Contractor Agreement (ICA) with Martinich Enterprises, LLC to correct insurance coverage wording.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement Amendment between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Martinich Enterprises, LLC amending Section 10 of the Agreement concerning insurance and indemnification obligations of the contractor. Commissioner Schlegel seconded, motion passed.

**f.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve a Memorandum of Understanding (MOU) as per HB 04-1451 for multi-agency services to families and children in Elbert County. The MOU also addresses the distribution of funding obtained through grants, TANFs, CORE funds, food stamps, Colorado Works funds, and other similar funding.

Commissioner Ross moved that the BOCC approve and execute the proposed Memorandum of Understanding pursuant to HB 04-1451 regarding the provision of certain integrated multi-agency services to families and children within Elbert County, for a period from July 1, 2013 through June 30, 2014. Commissioner Schlegel seconded, motion passed.

**g.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve renewing an Independent Contractor Agreement with Rebecca Gale to provide Equine Psychotherapy services to children of eligible families.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County on behalf of the Elbert County Department of Health and Human Services and Rebecca Gale regarding the provision of Equine Psychotherapy services for the Department for a contract price up to \$3,000.00. Commissioner Schlegel seconded, motion passed.

**h.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve the continuation of an Independent Contractor Agreement with Lee Dudley for providing intensive family therapy services.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Lee Dudley

- regarding the provision of Intensive Family Therapy services for the Elbert County Department of Human Services for a contract price up to \$7,500.00. Commissioner Schlegel seconded, motion passed.
- i. Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve a core services funded Independent Contractor Agreement with Life Support Behavioral Institute, Inc. for providing Therapeutic Supervised Visitation, Family Preservation, Outpatient and Substance Abuse Services for Elbert County families.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Life Support Behavioral Institute, Inc. regarding the provision of Therapeutic Supervised Visitation, Family Preservation, Outpatient and Substance Abuse Services for Elbert County families, for a contract price up to \$20,000, payable out of Core Services funding. Commissioner Schlegel seconded, motion passed.

**j.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve a Service Agreement with Centennial Mental Health Center, Inc. for providing drug testing services.

Commissioner Ross moved that the BOCC approve and execute the Service Agreement between Centennial Mental Health Center, Inc. and the Board of County Commissioners, on behalf of the Department of Health and Human Services, regarding the provision of certain drug testing services to individuals identified through child abuse investigations pursuant to its established fee schedule, through May 31, 2014. Commissioner Schlegel seconded, motion passed.

**k.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve an Independent Contractor Agreement with Centennial Mental Health Center to provide Parenting with Love and Limits (PLL) services to eligible youth and their families.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Centennial Mental Health Center regarding the provision of Parenting with Love and Limits Services for the Department for a contract price up to \$12,500.00. Commissioner Schlegel seconded, motion passed.

**1.** Alex Beltz, Attorney to the BOCC. Mr. Beltz presented a request to the BOCC for their approval of an Independent Contractor Agreement with Creative Carpentry & Design, LLC for providing 160 final roof inspections. Terms

include: the County may terminate any time after the first twenty (20) final roof inspections are performed.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Building Department, and Creative Carpentry & Design, LLC regarding the provision of certain roofing inspection services for a contract price of \$150.00 for the First Final Roof Inspection per day performing a minimum of five (5) roof inspections per day, \$60.00 per Final Roof Inspection performed after the First Final Roof Inspection each day and \$47.00 per each Re-Inspection performed. Commissioner Schlegel seconded, motion passed.

m. Tony Schiefelbein, Elbert County Sheriff's Office (ECSO). Lt. Schiefelbein requested that the BOCC approve a product license and service agreement with eFORCE to replace the current inefficient New World Records Management System (RMS) used by the ECSO. Funding for this change is included in the 2013 ECSO Budget and through the Law Enforcement Assistance Fund (LEAF). Future maintenance agreements are planned to be budgeted solely through LEAF.

Jen Grote, Information Technology (IT). Ms. Grote commented that the connection fails regularly between Elbert County and Douglas County under the current system. The new system with eFORCE is a cloud-based internet system and takes the place of all the aging components under the old system. Commissioner Ross expressed concerns about keeping the system current after the initial contract. Ms. Grote stated that is covered in the annual maintenance agreement part of the contract beginning in 2016, and is where the significant savings to the County will come in. Commissioner Ross then expressed concern about the existing agreement with Elbert County Communication Authority (ECCA). Both Counsel and Commissioner Schlegel explained the County is within their legal rights to discontinue the agreement with ECCA as the maintenance contract for that software is not meeting our needs.

Commissioner Rowland commented that from a business, productivity and risk perspective, transferring from New World to eFORCE makes sense and will result in savings and reduce risk of lost data and productivity.

Commissioner Ross moved that the BOCC approve and execute the Product License and Service Agreement and Scope of Work between Elbert County, on behalf of the Elbert County Sheriff's Office, and IntelliChoice Inc. for the provision of records management services to the Elbert County Sheriff's Office through the use of eFORCE software for a total cost of \$136,992. Commissioner Schlegel seconded, motion passed.

**n.** Ed Ehmann, Director Public Works. Mr. Ehmann requested that the BOCC approve an Inter-Governmental Agreement (IGA) between Elbert County and the Elbert Water Sanitation District as part of the Department of Local Affairs (DOLA) Grant requirements for the new Elbert School building.

Commissioner Ross moved that the BOCC approve and execute the Inter-Governmental Agreement (IGA) between Elbert County and the Elbert Water Sanitation District to define the responsibilities of the parties with respect to the Community Development Block Grant funds received from DOLA. Commissioner Schlegel seconded, motion passed.

8. Land Use: NONE

## 9. Alex Beltz, Attorney to the Board of County Commissioners: NONE

bring forth items pertaining to County business. During this time each individual will have three minutes to present their view(s) on County matter(s). In the interest of time, please have your comments prepared for presentation as each person will be allowed one (1) opportunity to approach the podium. Please keep your comments to a three (3) minute maximum. No formal action will be taken on these items during this time due to open meeting provision; however, the items may be placed on a future posted Agenda if action is required. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments and questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself, spell your last name and give your address. NONE

Commissioner Schlegel moved that the BOCC go into Executive Session with the Attorney of the Board for the purpose of receiving legal advice on specific legal questions or issues pursuant to Section 24-6-402(4)(b) of the Colorado Revised Statutes.

Commissioner Schlegel specifically moved that the BOCC go into executive session to discuss current legal questions related to the Pippin Case. Commissioner Ross seconded, motion passed.

Chairman Rowland declared the BOCC entered into Executive Session at 10:35 a.m.

Chairman Rowland declared the BOCC out of Executive Session at 11:04 a.m. The participants in the Executive Session were Robert Rowland, Commissioner; Elbert County Attorney Alex Beltz; Larry Ross, Commissioner and Kurt Schlegel, Commissioner. The Board of County Commissioners took no formal action in contravention of Section 24-6-402(4) of the Colorado Revised Statutes, and no adoption of any proposed policy, position, resolution, rule or regulation took place.

For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of Colorado Open Meetings Law, I would ask that you state your concerns for the record. Hearing none, the next agenda item is the County Assessor, who has two items/requests for abatement to be heard by the BOCC.

**a.** Angelo Castelli Petition for Abatement, Sylvia Goff, Chief Appraiser for the Elbert County Assessor's Office. Ms. Goff presented to the BOCC a background for the last 3 years on the Castelli property and their tax assessments. Ms. Goff stated the Assessor's office has denied the Castelli request for abatement based on their information. All 3 Commissioners asked questions which Ms. Goff answered.

Mr. Castelli then presented his request to the BOCC. All 3 Commissioners asked questions which Mr. Castelli answered.

Commissioner Ross moved that the BOCC approve and execute a resolution agreeing with the recommendation of the County Assessor, and deny the petition for abatement or refund of taxes made by Angelo Castelli for parcel number R105538. Commissioner Schlegel seconded, motion passed.

**b.** Land Baron LLC Petition for Abatement, Sylvia Goff, Chief Appraiser for the Elbert County Assessor's Office. Ms. Goff presented to the BOCC a background for 2011 and 2012 on the Land Baron LLC property (Big O Tires), stating the Assessor's office approved the petition and adjusted the land values based on findings that the land had been classified wrong for both years. The classification for 2013 has been corrected and the 2011 refund has already been paid. The County owes a refund of \$11,406.73 for the incorrect 2012 assessment. All 3 Commissioners asked questions which Ms. Goff answered.

Commissioner Ross moved that the BOCC approve and execute a resolution agreeing with the recommendation of the County Assessor and approve the petition of Land Baron, LLC and grant the refund of \$11,406.73 on parcel number R114581. Commissioner Schlegel seconded, motion passed.

Meeting Adjourned at 11:33 a.m.

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### **BOARD OF COUNTY COMMISSIONERS**

**ELBERT COUNTY, COLORADO** 

Robert Rowland, Chairman

Larry Ross, Vice Chair

Kurt Schlegel, Commissioner

**ATTEST: Diana Hartsough** 

**County Clerk** 

Clerk to the Board of County Commissioners

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